

1 Secretary of State. The railroad company shall have 60 days from receipt of a request
2 for written consent made under this section to approve, deny with an explanation or
3 respond with its requirements. Failure to respond to the request for written consent within
4 60 days shall be deemed to be approval of the request for written consent by the railroad
5 company unless the railroad owns the railroad corridor in fee simple. Nothing herein shall
6 be construed to alter or affect the property rights of the railroad or adjacent or underlying
7 landowners.

8 (d) The applicant shall provide directly to the city the written consent of the
9 railroad obtained under subsection (c). Receipt by the city from the applicant of either of
10 the following may be relied upon in all respects by the city in determining whether to
11 establish or accept for dedication or reservation any new public passage under subsection
12 (c), and the city shall have no liability whatsoever resulting from reliance thereon:

13 (1) a copy of the railroad's written consent obtained under subsection (c);

14 or

15 (2) a certification that that no consent of a railroad is required under
16 subsection (c) because the dedication or reservation sought does not
17 fall within a railroad corridor according to railroad maps filed pursuant
18 to G.S. 136-199. The certification provided under this subsection shall
19 be signed by the applicant under penalty of perjury."

20 **SECTION 15.** Chapter 160A of the General Statutes is amended by adding a
21 new section to read:

22 **"§ 160A-368. Access to development within a railroad corridor.**

23 (a) When a railroad company has filed railroad corridor maps pursuant to
24 G.S. 136-199, then the following provisions in subsections (a) and (b) of this section shall
25 apply. A city shall not approve any development plan where the sole means of ingress to
26 and egress from the property being developed is a roadway that encroaches upon a
27 railroad corridor without first obtaining the written consent of the railroad company. For
28 purposes of this section, the city shall require as a condition of approving a development
29 plan that any applicant obtain written consent of the railroad company by contacting the
30 railroad company, by certified mail, return receipt requested, through its current
31 registered agent at the address on file with the North Carolina Department of Secretary of
32 State. The railroad company shall have 60 days from receipt of a request for written
33 consent made under this section to approve, deny with an explanation or respond with its
34 requirements. Failure to respond to the request for written consent within 60 days shall be
35 deemed to be approval of the request for written consent by the railroad company unless
36 the railroad owns the railroad corridor in fee simple. Nothing herein shall be construed to
37 alter or affect the property rights of the railroad or adjacent or underlying landowners.
38 Nothing herein shall apply to railroad crossings.

39 (b) The applicant shall provide directly to the city the written consent of the railroad
40 obtained under subsection (a). Receipt by the city from the applicant of either of the
41 following may be relied upon in all respects by the city in determining whether to
42 approve any development plan under subsection (a), and the city shall have no liability
43 whatsoever resulting from reliance thereon:

44 (1) a copy of the railroad's written consent obtained under subsection (a);

45 or